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Attorney for Defendant,  
RJW Transport, Inc.

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 JRS USA, INC.  
9 Plaintiff,

10 vs.

11 RJW TRANSPORT, INC., DOES I  
12 THROUGH V; AND ROE entities I  
through V, inclusive

13 Defendants.

CASE NO. 2:15-cv-00707-APG-CWH

14 STIPULATION AND ORDER TO FILE AN AMENDED COMPLAINT  
15 AND  
ENLARGE TIME FOR DEFENDANT TO FILE A RESPONSE

16 COME NOW the parties Plaintiff JRS USA, Inc. by and through its counsel of  
17 records, Janet Trost, Esq. and Defendant RJW Transport, Inc., by and through its  
18 counsel of record Michael C. Mills, Esq. of the law firm of Mills & Associates and hereby  
19 agree and stipulate that:

20 WHEREAS Defendant RJW Transport, Inc. is a motor carrier licensed by the  
21 Federal Motor Carrier Safety Administration and the U.S. Department of Transportation  
22 to operate in interstate commerce; and,

23 WHEREAS Defendant RJW Transport, Inc. is authorized to transport cargo "For  
24 Hire" in interstate commerce; and,

25 WHEREAS the Carmack Amendment to the Interstate Commerce Act provides  
26 the exclusive remedy for shippers to recover from interstate motor carriers for loss or  
27 damage to goods in transit; and,

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1 **JRS USA, Inc. v. RJW Transport Inc.**

2 CASE NO. 2:15-cv-00707-APG-CWH

3 WHEREAS Plaintiff's Complaint alleges that it placed its goods in Defendant's  
4 control for shipment and thereafter the goods were lost; and,

5 WHEREAS Plaintiff's Complaint alleges Causes of Action for Breach of Contract,  
6 Breach of Implied Covenant of Good Faith and Fair Dealing and Negligence; and,

7 WHEREAS each of these causes of action is pre-empted under the Carmack  
8 Amendment; and,

9 WHEREAS Plaintiff's Complaint does not state a cause of action under the  
10 Carmack Amendment; and,

11 WHEREAS Plaintiff's Complaint was served on Defendant on April 6, 2015 and  
12 that an Answer to the Complaint is due on April 27, 2015;

13 THEREFORE, IT IS HEREBY STIPULATED that Plaintiff JRS USA, Inc. may  
14 have until May 26, 2015 to prepare and file an Amended Complaint alleging the  
15 Carmack Amendment as its sole Cause of Action; and

16 IT IS FURTHER STIPULATED that Defendant may have to and including 20  
17 days from the filing of the Amended Complaint to Answer or otherwise plead to the  
18 Complaint.

19 Dated: April 24<sup>th</sup> 2015.

Dated: April 24<sup>th</sup> 2015.

20 JANET TROST LAW FIRM

MILLS & ASSOCIATES

21 /s/ Janet Trost

/s/ Michael C. Mills

22  
23 JANET TROST, ESQ.  
24 Nevada Bar No. 04072  
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26 Las Vegas, Nevada 89106  
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JRS USA, Inc.

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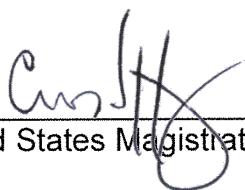
1 *JRS USA, Inc. v. RJW Transport Inc.*  
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7 CASE NO. 2:15-cv-00707-APG-CWH

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ORDER

IT IS SO ORDERED.

DATED: April 27, 2015

  
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10 United States Magistrate Judge